

REMARKS

The Examiner's action dated August 22, 2005, has been received, and its contents carefully noted. Claim 1 has been amended, and claims 10-12 have been added, to more clearly define the contribution of the invention. Claims 1-12 are pending.

The rejection of claims 4-6 under 35 USC §112 is respectfully traversed and it is submitted that claim 4 does not include a positive recitation of the lap belt or the vehicle. Rather, in claim 4, the lap belt and the vehicle are clearly described as part of the environment in which the claimed apparatus is to be installed. A positive recitation would of necessity be in a form such as "wherein said apparatus comprises a lap belt...", and claim 4 does not include such a recitation. It is well recognized that a claim can include language that defines the environment in which a claimed apparatus is to be employed.

Accordingly, it is requested that this ground of rejection be reconsidered and withdrawn.

The rejection of claims 1-9 as anticipated by Jackemot is also respectfully traversed. The present invention is directed to an apparatus for receiving a robot driver, which is a type of apparatus that is completely unrelated to the infant vehicle seat disclosed in the applied reference.

In order to advance matters, claim 1 has been amended to specify that the mounting portion comprises a seat plate configured for supporting the robot driver. The seat plate is described throughout the Specification, for example at page 5, line 14, and is identified in the drawings as element 10.

The definition of the claimed apparatus as being "for receiving a robot driver" must properly be considered to be a claim limitation because, in the present case, it gives "life and meaning" to the claim, particularly in view of the recitation in amended

claim 1 that the mounting portion comprises "a seat plate configured for supporting the robot driver". In this respect, the situation here is quite similar to that considered in *In re Stencel*, 4 USPQ 2d 1071 (Fed. Cir. 1987).

Claim 1 defines over the applied reference at least by its recitations of "a seat plate configured for supporting the robot driver", and a "locking element...engageable with the driver's lap belt for holding said mounting portions securely on the driver's seat...".

Clearly, the applied reference does not disclose a seat plate configured for supporting a robot driver.

Equally clearly, the infant vehicle seat disclosed in the applied reference does not include a locking element engageable with a drivers' lap belt. Indeed, the infant vehicle seat disclosed in the reference is not held in place by a lap belt and does not include any element that will cooperate with a lap belt.

Accordingly, it is submitted that claim 1 clearly defines an apparatus that is not disclosed in the applied reference.

Claim 3 further distinguishes over the applied reference by its recitation that the locking element comprises at least one component which guides and locks the lap belt. Here again, it must be emphasized that the vehicle seat disclosed in the applied reference does not cooperate with a lap belt in any manner.

Claim 6 further defines patentably over the applied reference by its recitation of a guide plate having a certain spacing from the locking element. The explanation of the rejection does not include any indication of which element in the reference is considered to correspond to the claimed guide plate, and it cannot be determined from a study of the reference that it discloses any element corresponding to the claimed guide plate.

Claim 7 further distinguishes patentably over the applied reference by its recitation of two structurally identical locking elements each provided for independently tightening a respective end of the lap belt. No disclosure has been found in the reference of two elements of any type which might conceivably perform a locking function. The explanation of the rejection of claim 7 is not understood.

Claim 8 depends from claim 7 and should be considered allowable along therewith. In addition, claim 8 further distinguishes over the applied reference by its recitation that the locking elements are pivotable about respective shafts so as to act as tightening levers for the lap belt.

It is further noted that, despite the numerous recitations in the claims that various elements are constructed and arranged to cooperate with a lap belt, there is no mention of a lap belt in the explanation of the prior art rejections. Presumably, this is because the reference does not disclose a lap belt. Clearly, the recitation in claim 1 that the locking element is "engageable with the drivers' lap belt" is a positive limitation that cannot be ignored and claim 1 cannot be considered to be anticipated by a reference that does not disclose this feature.

In any event, the recitations in the claims relating to a lap belt cannot be totally ignored since they clearly limit the structure, purpose and function of the recited elements. The recitations relating to a lap belt must be given weight according to the principles announced in *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.* ((1 USPQ 2d 1081) Fed. Cir. 1986), where recitations identifying the dimensions of a certain part of a wheelchair with respect to the doorframe and one of the seats of an automobile were found to present a definite limitation.

New claims 10-12 further define over the applied references. Claim 10 defines the basic components of the apparatus

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according to the invention in "means plus function" terms. As required by 35 USC §112, paragraph 6, the recited means must be construed to cover the structure disclosed in the specification and equivalents thereof. It is quite apparent that the applied reference does not disclose such means.

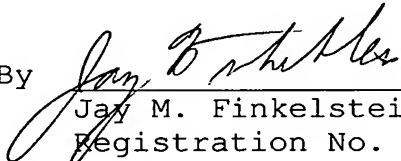
New claim 11 and 12 further define patentably over the applied reference for reasons set for earlier herein.

In view of the foregoing, it is requested that the prior art rejection be reconsidered and withdrawn, that claims 1-11 be allowed and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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